this has been done and it is proved that the previous statement when compared with the evidence given in Court contains material inconsistencies the witness's credit is impeached and his evidence becomes worthless because the witness himself has been shown to be unworthy of credit. The previous statement cannot be used to prove the offence against the accused as was apparently done in this case because of the clear prohibition against the admission of such statement in evidence contained in section 113(i).

Without the evidence of the 2nd prosecution witness whose credit was impeached there is no evidence at all against the defendant/appellant or 2nd defendant who has not appealed and neither of the defendants, by virtue of section 173(f) of the Criminal Procedure Code, should have been called upon to make their defence.

The appeal therefore must be allowed and the fine if paid returned to the defendant.

In so far as the 2nd defendant, Chin Fong Ching, is concerned, I propose to act by way of revision under section 325 of the Criminal Procedure Code and I quash the conviction and sentence against him. I understand he has paid his fine and this must be repaid to him.

I think I should draw the attention of the proper authorities to the legal maxim interest *reipublicae ut sit finis litium.* It is essential to the efficient administration of justice that cases be brought by the prosecution promptly and disposed of as quickly as possible by the Court. In this case there was a nine months' delay before the summons was issued. The case was heard within a month of the issue of the summons. The good administration of justice requires the guilty to be punished and the innocent acquitted. It is fair neither to the prosecution nor the defence to delay the prosecution of a case as was done here. The prosecution witnesses had clearly forgotten what had happened. The defendants in this case had no witnesses but had they had the defence would have been at a similar disadvantage, and might even have found its witnesses dispersed and untraceable.

Appeal allowed.

PUBLIC PROSECUTOR v. HUSSIN

[R. Cr. J. (Adams J.) September 21, 1959]

[Raub — Miscellaneous Criminal Application No. 3 of 1959]

Road Traffic — Period of mandatory disqualification — Forfeiture of licence.

In this case the accused had pleaded guilty to riding a motor-cycle on the public road without there being in force in respect of the said vehicle a policy in respect of 3rd party risk which was an offence contrary to the Motor Vehicles (Third Party Risk) Regulations, reg. 3. He was fined $40 and disqualified from driving for 6 months.

Held: (1) the mandatory disqualification for a minimum period of 12 months under the Regulations cannot be shortened unless there were special reasons arising out of the case itself for so doing;

(2) when a period of disqualification is imposed the licence of the defendant must be taken from him and sent to the Registrar and Inspector of Motor Vehicles together with the report of the case; the licence must on no account be left in the possession of the defendant who can then drive in spite of disqualification with very little chance of his being discovered.

CRIMINAL REVISION.

Adams J.: This matter came to my notice as a result of the Monthly Returns and from the record I discovered that the Magistrate has failed to impose the mandatory period of 12 months' disqualification from driving motor vehicle.

The accused in this case had pleaded guilty to riding a motor-cycle on the public road without there being in force in respect of the said motor-cycle a policy in respect of Third Party Risk which was an offence contrary to The Motor Vehicles (Third Party Risk) Regulations, Regulation 3.

The Magistrate imposed a fine of $40 and disqualified the defendant for driving for 6 months.

It is a well settled law that the Regulations impose a mandatory disqualification for a minimum period of 12 months and this cannot be shortened unless the Magistrate finds special reasons arising out of the case itself for so doing.

There were no special reasons arising out of the case and therefore acting by way of revision I varied the sentence and imposed disqualification of 12 months from the date of conviction.

Magistrates must remember that this is an extremely serious offence in that if an innocent road user is knocked down and injured or killed, his dependents have no certain means of recovering from the uninsured driver any loss or damage that they may have sustained.

Magistrates must also ensure that when a period of disqualification is imposed the licence of the defendant is taken from him and sent to the Registrar and Inspector of Motor Vehicles together with the report of the case. It must on no account be left in the possession of the defendant who can then drive in spite of disqualification with very little chance of his being discovered.

Sentence varied. Disqualification period enhanced.